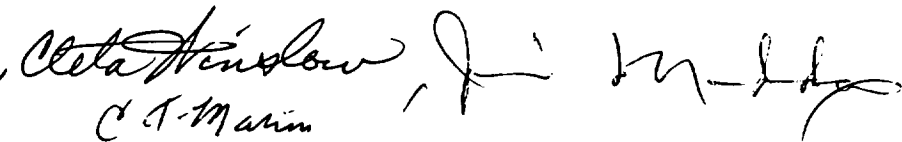


AN ORDINANCE

BY MICHAEL BOND,



AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FRANCHISE AGREEMENT WITH CITYNET TELECOMMUNICATIONS, INC., FOR THE PROVISION OF TELECOMMUNICATIONS INFRASTRUCTURE USING PUBLIC SEWERS; AND FOR OTHER PURPOSES.

WHEREAS, CityNet Telecommunications, Inc. ("CityNet") has applied for a franchise to construct telecommunications broadband infrastructure in the sewer system of the City of Atlanta;

WHEREAS, CityNet proposes to install, maintain and operate an underground telecommunications infrastructure using existing public sewers and, in turn, avoid the need for repeated construction in the public right-of-way for this purpose; and

WHEREAS, the City has determined that CityNet's proposal is governed by the comprehensive ordinance enacted by the City which governs the use of its right-of-way, pursuant to the federal Telecommunications Act, providing access to its right-of-way, on a non-discriminatory basis; and

WHEREAS, CityNet is negotiating a franchise agreement with the City which provides such access and preserves the rights of the City;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

- Section 1: That the Mayor be and is hereby authorized to negotiate and execute a franchise agreement with CityNet Telecommunications, Inc. for use of the public sewer system for the purpose of installing, maintaining and operating telecommunications infrastructure.
- Section 2: That such franchise agreement shall expire and terminate on April 1, 2003.
- Section 3: That CityNet Telecommunications, Inc. shall pay a franchise fee of 3%, represented by 2.5% of all revenues generated by the telecommunications infrastructure, with .5% to be provided in in-kind services.
- Section 4: That the City Attorney shall prepare a franchise agreement document, which shall be approved by the City Attorney as to form.
- Section 5: That said franchise agreement shall not be binding on the City of Atlanta until approved by the Mayor and delivered to CityNet Telecommunications, Inc.

01-0-1297

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCIL MEMBER MICHAEL BOND *Michael Bond*
AN ORDINANCE AUTHORIZING THE MAYOR
TO ENTER INTO A FRANCHISE
AGREEMENT WITH CITYNET
TELECOMMUNICATIONS, INC., FOR THE
PROVISION OF TELECOMMUNICATIONS
INFRASTRUCTURE USING PUBLIC
SEWERS, AND FOR OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☒ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER
- Date Referred *8/6/01*
- Referred To: *City Utilities*
- Date Referred
- Referred To:
- Date Referred
- Referred To:

Committee _____ First Reading
Date _____
Chair _____
Referred to _____

| Committee | Date | Chair | Action: Fav, Adv, Hold (see rev. side) Other: | Members | Refer To |
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| Committee | | | | | |
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FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION